IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE V.ESWARAIAH**

**WRIT PETITION NO : 24336 of 2003**

Between:

G. Shanker, S/o. Poshetty, Occ:Conductor, E: 675017, A.P.S.R.T.C. Nizamabad - II Depot, Nizamabad.

**..... PETITIONER**

AND

The Depot Manager, A.P.S.R.T.C. Nizamabad - II Depot, Nizamabad.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the suspension order No. 02/95(14)DS/03-NZB-2, Dt: 07.11.2003 on the file of the respondent herein in suspending the petitioner as illegal, arbitrary and against the principles of natural justice and consequently direct the respondent herein to permit the petitioner to continue on duty as conductor.

**Counsel for the Petitioner: MR.T.BHEEMSEN**

**Counsel for the Respondent No.: MR.K.HARINATH, Standing Counsel for APSRTC**

**The Court made the following:**

**THE HON'BLE SRI JUSTICE V.ESWARAIAH**

**W.P.NO. 24336 OF 2003**

**ORDER:**

The petitioner questions the impugned order No. 02/95(14)DS/03-NZB-2, dated 07.11.2003 in placing the services of the petitioner under suspension with immediate effect pending enquiry into the charges leveled against him. While placing the services of petitioner under suspension charge sheet was also issued and the following charges leveled against the petitioner:

1. For having closed in the STAR No.07/239602 and 239604 of Rs.4/- deno. as 236/957164 and shown ticket issues as "4" in the ticket issue column later altered the figures as 236/957160 for 0500 hours Birkoor-Nizamabad trip. And in 0700 hours Nizamabad-Birkoor up trip you have closed STAR Rs.4/- denomination on stage No.1 to 3 as 236/957164 and altered as 236/957160, which clearly speaks that you are issued 4 tickets in down trip on stage no.3 and the same tickets collected and reissue in up trip on stage No.3 to 5, accordingly you are altered the figures in the STAR to cover the reissues of 4 tickets. It clearly speaks that you have closed the STAR on stage No.2 to 1 in down trip and 1 to 3 in up trip of Rs.4/- deno. As 236/957164 and shown issues on stage No.2 as 4, later altered the figures to 236/957160 and reissued 4 tickets in up trip i.e. 0700 Nizamabad-Birkoor trip on stage No.3 to 6 to fraud the revenue of the corporation for your self gain, which constitutes mis-conduct in terms of Regulation No.28 (xxv) and (xxxi) of APSRTC, Employees' (conduct) Regulations, 1963".

As the petitioner was asked to submit his explanation as to why the

disciplinary action should not be taken against him the petitioner submitted his explanation on 29.10.2003.

It is the case of the petitioner that he has not altered the tickets of four denomination in SR and he did not show the four tickets as issued and some one altered the same to implicate him in a false case and the number of passengers are not tallied. Therefore, the charges are untenable. It is further stated that as per the circular No.19/94-OPD-T dated 19.05.1994 of the Corporation the particulars of the SR of a particular day are not scrutinized within a week time, and therefore, it is not open for the respondents to take action against him.

On perusal of the said circular shows that it is the duty of the Traffic Supervisor, to scrutinize the particulars of the SR within a week time and if he does not scrutinize, necessary action will be taken against the Traffic Supervisor. The said circular will not absolve the action of the petitioner for taking necessary disciplinary action against him for the aforesaid charges.

Admittedly, the enquiry proceedings are pending against the petitioner. Pending disciplinary proceedings, it cannot be just and proper to deal with the merits and demerits of the case of the petitioner. On perusal of the charge itself disclose that the petitioner has issued four tickets in down trip at stage No.3 and same were collected and reissued in up trip on the stage No.3 to 5. Accordingly, it is alleged that the petitioner altered the figures in the STAR to cover the reissuing of the four tickets. If such charge is proved, it is a grave misconduct.

Therefore, I am not inclined to interfere with the suspension order, as the petitioner already submitted the explanation to the charge sheet, the respondents are directed to complete the enquiry, as expeditiously as possible within a period of two months from the date of receipt of the copy of this order.

Accordingly, this Writ Petition is disposed of. No costs.

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03-08-2004

kvrm/shr

To

1.The Deport Manager, APSRTC, Nizamabad-II Depot,Nizamabad.

2. Two CD copies.